

California Department of Transportation

RECORD OF DECISION

Interstate 80/Interstate 680/ State Route 12 Interchange Project

Solano County, California

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project are being, or have been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S.C. 327.

A. Decision

This Record of Decision (ROD), developed pursuant to 40 Code of Federal Regulations (CFR) 1505.2 and 23 CFR 771.127, approves Alternative C, Phase 1 as the selected alternative for the Interstate 80 (I-80)/Interstate 680 (I-680)/State Route 12 (SR12) Interchange Project. Alternative C, Phase 1 was identified as the Preferred Alternative in the Final Environmental Impact Report/ Environmental Impact Statement (Final EIS) (October 12, 2012), which the California Department of Transportation (Caltrans), as the NEPA lead agency prepared pursuant to the National Environmental Policy Act (NEPA). The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project are being, or have been, carried out by Caltrans under its assumption of responsibility pursuant to 23 USC 327. Caltrans based its decision on the Final EIS and supporting studies, as well as comments received from the public and agencies. With the adoption of this Record of Decision (ROD), Caltrans will proceed with the project.

B. Alternatives Considered

Selected Alternative

Alternative C, Phase 1 is comprised of the following components: improvements to the I-80/I-680/SR 12 interchange; realignment of I-680; a new interchange at I-680 and Red Top Road; a new road connecting the I-80/Red Top Road interchange to Business Center Drive (Business Center Drive Extension); a new interchange at SR 12W and the new Red Top Road alignment; a modified interchange at I-80 and Green Valley Road; new I-80 bridges over Green Valley Creek; widening of I-80; a new lane on eastbound SR 12E; and widening of the SR 12 bridge over Ledge Creek.¹

¹ SR 12W is the portion of SR 12 that is west of I-80; SR 12E is the portion of SR 12 that is east of I-80.

Alternative C, Phase 1 will be constructed in several construction contracts, and is fully funded in the financially constrained 2009 Regional Transportation Plan (RTP) - *Transportation 2035 Plan for the San Francisco Bay Area: Change in Motion*. The Federal Highway Administration (FHWA) and the Federal Transportation Administration (FTA) found the 2009 RTP to be in conformity with the State Implementation Plan on May 29, 2009. The proposed project is also included in the Metropolitan Transportation Commission (MTC) 2011 Transportation Improvement Program (TIP) as TIP ID SOL070020. The MTC adopted the 2011 TIP on October 27, 2010, and the FHWA and FTA approved the financially constrained 2011 TIP on December 14, 2010. The design concept and scope of the proposed project is consistent with the project description in the 2009 RTP and the 2011 TIP.

Evaluation of Alternatives

Caltrans and the Solano Transportation Authority (STA) initiated this project to relieve traffic congestion on Interstates 80 and 680 and State Route 12 in the vicinity of the city of Fairfield and Suisun City. On April 28, 2003, a Notice of Preparation (NOP) of an Environmental Impact Report for the proposed project was published and filed with the State Clearinghouse. On May 9, 2003, a Notice of Intent (NOI) to prepare an Environmental Impact Statement was published in the Federal Register.

Caltrans and the STA, working with the FHWA, developed a preliminary set of potential alternatives that could meet the proposed project's purpose and need. Initially, there were 12 build alternatives that were studied and evaluated including traffic forecast modeling, field studies and mapping, literature and data reviews, and discussions with federal, state, and local agency officials.

Through a first level screening process, the 12 build alternatives were reduced to four. The first-level screening process involved weighing the initial alternatives qualitatively for fatal flaws against critical criteria, including ability to meet the proposed project's defined purpose and need, potential for unavoidable environmental impacts, overall project cost, and ability to provide adequate traffic operation improvements. A second level screening process reduced the number of build alternatives from four to two—Alternatives B and C.

Alternatives B and C are full build alternatives addressing comprehensive improvements to the I-80/I-680/SR 12 interchange, the widening of I-680 and I-80, and the relocation, upgrade, and expansion of the westbound truck scales on I-80. Alternatives B and C differ primarily in the location of the I-80/I-680/SR 12W interchange improvements and the improvements on SR 12. Under Alternative B, the I-80/I-680 and I-80/ SR 12 interchanges would be improved in place and a single interchange would be constructed on SR 12E to serve Beck Avenue and Pennsylvania Avenue. Under

Alternative C, I-680 would be realigned to the west to connect with the I-80/SR 12 interchange, and two interchanges would be constructed on SR 12E to serve Beck Avenue and Pennsylvania Avenue.

Since the FHWA has a requirement that NEPA decisions (e.g., Finding of No Significant Impact, Record of Decision) can only be provided to alternatives that are fully funded, fundable first phases were developed for Alternatives B and C that also have logical termini and independent utility and would function even if the full build alternatives remained unfinished.

Alternative B, Phase 1 would improve the I-80/Green Valley Road, I-80/I-680, I-80/Suisun Valley Road and the SR 12/Beck Avenue interchanges. Alternative C, Phase 1 would realign I-680 to the west to connect with the I-80/SR 12 interchange and provide direct connections between all highways except eastbound SR 12E and westbound I-80 and southbound I-680. Red Top Road would be extended to meet Business Center Drive and interchanges at SR 12W/Red Top Road, I-80/Red Top Road, I-80/Green Valley Road, and I-680/Red Top Road would be constructed or improved. A third lane would be added to SR 12 from west of the Chadbourne Road Undercrossing to the Webster Street exit.

While these fundable first phases would not address all project needs, they would reduce congestion and cut-through traffic on local roads, and improve safety conditions.

Table 1 lists the elements of: Alternative B; Alternative B, Phase 1; Alternative C; and Alternative C, Phase 1.

Throughout the environmental process for the project, meetings were held to obtain input from the public and to provide them information. Caltrans and the STA also coordinated with various federal, state, and local agencies. Since an Environmental Impact Statement was being prepared for the project, and the anticipated impacts to wetlands and waters of the U.S. were expected to exceed five acres, Caltrans and the STA met with the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service in a series of meetings under the NEPA/Clean Water Act Section 404 Integration Process to obtain comments or concurrence on the purpose and need, and alternatives for the project. Also attending the NEPA/Section 404 Integration Process meetings were the California Department of Fish and Game and the Regional Water Quality Control Board.

Table 1: Project Elements of Alternatives C and B

	Alternative C		Alternative B	
	Alternative C, Phase 1	Alternative C, Future Phases	Alternative B, Phase 1	Alternative B, Future Phases
General	Consolidates the I-80/I-680/SR 12 interchange in the location of the existing I-80/SR 12W interchange.		Improves and expands the I-80/I-680 interchange in its current location.	
Realignment	<ul style="list-style-type: none"> • Realigns I-680 to connect with SR12W. • Realigns I-80 to the north between Suisun Valley Road and the SR 12W/I-680 interchange. 		<ul style="list-style-type: none"> • Realigns I-80 in the vicinity of Green Valley Creek. • Realigns I-80 WB to the north and I-80 EB to the south. 	
Mainline Widening	<ul style="list-style-type: none"> • Widens I-680 NB to four lanes from Red Top Road north to I-80/I-680 IC and widens I-680 southbound to three lanes from 80/680 IC to Red Top Rd. • Widens I-80 from a minimum of 10 lanes to a maximum of 19 lanes. • Widens SR 12E EB to three lanes. 	<ul style="list-style-type: none"> • Widens I-680 to six lanes from north of Gold Hill Road to Red Top Road and eight lanes from Red Top Road to I-80. • Widens SR12E to three lanes in each direction and converts SR12 from a highway to a freeway. 	<ul style="list-style-type: none"> • Widens I-680 to six lanes from north of Gold Hill Road to Red Top Road and eight lanes from Red Top Road to I-80. • Widens I-80 from a minimum of 10 lanes to a maximum of 19 lanes. • Widens SR 12E from four to six lanes. 	
New and improved interchanges (IC)	<ul style="list-style-type: none"> • Improved I-80/Red Top Road IC • New I-80/I-680/SR 12 IC • Improved I-80/Green Valley Road IC • New SR12W/Red Top Road IC • New I-680/Red Top Road IC 	<ul style="list-style-type: none"> • New SR 12E/Beck Ave IC • New SR 12E/Pennsylvania Ave IC • Improved I-80/Abernathy Road (Suisun Valley Parkway) IC • Improved/expanded I-80/SR 12E IC • Improved I-80 /Suisun Valley Road IC • Improved I-80 /Green Valley Road IC 	<ul style="list-style-type: none"> • Improved I-80/Green Valley Road IC • Improved Beck Ave/SR 12E IC • Improved I 80/Suisun Valley Road IC 	<ul style="list-style-type: none"> • New I-680/Red Top Road IC • New SR 12W/Red Top Road IC • Improved I-80/Red Top Road IC • Improved/expanded I-80/SR 12E IC • Improved I-80/Abernathy Road (Suisun Valley Parkway) IC • New SR 12E/Pennsylvania Ave IC

Freeway to Freeway Connectors and Ramps	New, improved and expanded connectors: EB I-80 to SB I-680; NB I-680 to WB SR 12W; WB I-80 to SB I-680; NB I-680 to WB I-80; WB I-80 to WB SR 12W; new HOV lane connectors; NB I-680 to EB I-80; NB I-680 to EB SR 12E		Improved and expanded HOV and mixed flow lane connectors between I-80 and I-680	
Bridges	<ul style="list-style-type: none"> • New single-span bridge on I-80 over Green Valley Creek. • Widened SR 12E bridge over Ledgewood Creek • Numerous other bridges to be determined during final design. 	New single-span bridges on I-80 over Dan Wilson Creek, and over Suisun Creek	<ul style="list-style-type: none"> • New single-span bridge on I-80 over Green Valley Creek • Widened bridge/box culvert on SR 12E over Ledgewood Creek and the Alonzo Drain • New SR 12E/ Central IC 	<ul style="list-style-type: none"> • New single-span bridges on I-80 over Dan Wilson Creek, and over Suisun Creek • New over-crossings of SR 12E at Beck Ave and at Pennsylvania Ave • Widened SR 12E overcrossing of Chadbourne Road • New over-crossing over I-680/Lopes Road
Truck scale facility relocation		Relocate, improve, and expand I-80 WB truck scales to east of the existing facility and Suisun Creek		Relocate, improve, and expand I-80 WB truck scales to east of the existing facility and Suisun Creek
New local road connections	<ul style="list-style-type: none"> • Extends Business Center Drive from its current terminus to SR 12W and the new SR 12W/Red Top Road IC. • Adds a new roadway connecting the I-80/Red Top Road IC with SR 12W. • Realigns portions of Lopes Road, Fermi Road, and Ramsey Road. 	New connection on south side of SR-12 between Pennsylvania Ave and West/Spring Streets in Suisun City.	Realigns Neitzel Road.	<ul style="list-style-type: none"> • Extends Business Center Drive from its current terminus to SR 12W and the new SR 12W/Red Top Road IC. • Adds a new roadway connecting the I-80/Red Top Road IC with SR 12W. • Adds new roadway connecting Myer Lane to Pennsylvania Ave.

Table 1 Notes: SR 12W is the portion of SR 12 west of I-80; SR 12E is the portion of SR 12 east of I-80.
NB=northbound; SB=southbound; WB=westbound; EB=eastbound

The four alternatives were presented in the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIS), which was circulated to the public for review and comments from August 10, 2010 to October 18, 2010.

A public information meeting and open house was held on September 23, 2010 at the Solano County Administration Building. A total of seven comments—four written and three verbal—were submitted during the public information meeting. In addition STA and Caltrans received 21 comment letters. These comments fall under the following major categories: selection of the preferred alternative; pedestrian safety; water quality; air quality; and community impacts. Comments were taken into consideration and some adjustments were made to the project as a result of these comments.

Rationale for Identification of the Selected Alternative and Environmentally Preferred Alternative

Based on the Draft EIS, technical studies, and public comments, Caltrans and the STA decided to proceed with Alternative C.

Alternative C represents the long term vision for improvements to the I-80/ I-680/SR12 Interchange complex. The decision on this alternative was based on the following reasons:

- Traffic operations of Alternative C would be superior to Alternative B. Alternative C would include all freeway to freeway movements between I-80 and I-680 via direct connectors, whereas Alternative B would not have a direct connector between I-680 North and I-80 West.
- Alternative C would encourage regional traffic to stay off local roads by providing a high-capacity connection from I-680 to SR 12 West/I-80 West that would carry an acceptable level of traffic during peak hours (500 vehicles per hour in 2035). Without this connection, traffic making the same movement using Alternative B would need to use local roads, either Red Top Road (which would pass by Rodriguez High School) or Lopes Road to the Green Valley Interchange.
- Alternative C would provide drivers on I-680 with standard, outside-lane entrances/exits to I-80. Alternative B would provide these entrances/exits in the median, potentially increasing driver confusion.
- Alternative C would create relatively less traffic friction (less merging on and off the freeway) in the area between Green Valley and Suisun Valley Roads. Alternative B would leave two partial interchanges (I-80/SR 12 West and I-80/I-680) that, together with the median-lane I-680 to I-80 merge and the outer lane braided traffic, could lead to greater traffic friction and driver confusion.

- Alternative C would move I-680 away from the residential areas in Cordelia, reducing noise impacts on an existing community and potential impacts to the Village of Cordelia Historic District.
- The environmental impacts of Alternatives B and C would be similar, including impacts to biology, farmland and other areas of environmental concern.
- Alternative C offers more favorable construction phasing and staging opportunities, as it will be constructed on a new alignment. Staging and construction for Alternative B would be more complicated because the improvements would be constructed essentially in the same alignment and existing traffic would need to be accommodated.
- The Alternative C alignment would affect light industrial areas that are relatively less difficult to relocate, whereas the Alternative B alignment would affect freeway commercial areas that are relatively more difficult to relocate.

The decision to identify Alternative C as the preferred alternative was made with the following intended results:

- To establish Alternative C as the long-term vision for meeting the identified transportation needs.
- To acknowledge that Alternative C must be implemented in phases due to funding limitations and constraints, and may not be completed until beyond the twenty year planning horizon.
- To recognize that each phase of Alternative C will have independent utility.
- To work towards the ultimate Alternative C one phase at a time.
- To extend identification of the preferred alternative to Alternative C, Phase 1 for which this Record of Decision has been prepared.
- To plan for future phases through updating, amending, or adopting new general plans, zoning, transportation plans, and transportation improvement programs.
- To perform additional or supplemental planning, environmental, and engineering work and reach decisions for each future phase as funding becomes possible and as long as there are identified transportation needs that remain.

Continuing with the NEPA/Section 404 Integration Process, the USEPA and USACE asked for further reduction in impacts to Wetlands and Waters of the U.S. Upon the addition of a retaining wall to minimize impacts to wetlands in Alternative C, Phase 1, and changes in FHWA policy that Alternative B, Phase 1 was no longer acceptable, the USEPA and USACE were able to concur that Alternative C, Phase

1 is the preliminary least environmentally damaging practical alternative (LEDPA). As such the Selected Alternative (Alternative C, Phase 1) is also the environmentally preferred alternative.

Balancing of Values

In evaluating Alternative B, Phase 1 and Alternative C, Phase 1 as with Alternatives B and C, the impact of the alternatives in most topic areas is very similar. The two Phase 1 alternatives would have comparable impacts with regard to displacements, visual quality, hydrology, floodplains and air quality. With regard to most biological resources the two Phase 1 alternatives are also similar.

Where the alternatives differ is with regard to impacts to jurisdictional waters. Alternative C, Phase 1 would result in more impacts to jurisdictional waters (4.57 acres of permanent fill) when compared to Alternative B, Phase 1 (3.49 acres of permanent fill). However, it is important to consider this impact in the context of the long term Alternatives B and C which have almost identical impacts to jurisdictional waters. In this context, Alternative C, Phase 1 can be viewed as incurring impacts earlier in the long term build-out of the interchange when compared to Alternative B, Phase 1.

Other than impacts to jurisdictional waters, the areas where Alternative B, Phase 1 and Alternative C, Phase 1 differ are in the areas of traffic, engineering and operational issues.

Similar to the long-term Alternative C, Phase 1 would result in several traffic, engineering and operational benefits over Alternative B, Phase 1 that support its selection as the Preferred and most practicable alternative.

Alternative C, Phase 1 would provide all freeway to freeway movements whereas Alternative B, Phase 1 would not. As described above for the long-term Alternatives, this is a critical issue in obtaining Engineering and Operational Acceptability (EOA) from the FHWA. Alternative B, Phase 1 is unable to provide the freeway to freeway connection between northbound I-680 and westbound I-80/State Route 12. Providing this connection under Alternative B, Phase 1, as discussed above for Alternative B, would result in significant and substantial impacts to both Green Valley Creek and the mitigation site constructed as part of the Green Valley Corporate Park. These impacts were determined to be too severe to warrant inclusion of this movement into Alternative B or Alternative B, Phase 1. In addition, providing all freeway to freeway connections, notwithstanding the substantial environmental impact associated with doing so, the cost for Alternative B, Phase 1 would increase by approximately \$150 million, which would result in Alternative B, Phase 1 exceeding the currently available funding. This would result in Alternative B, Phase 1 no longer being a feasible first phase alternative.

Alternative C, Phase 1 would provide much improved interchange spacing along I-80 when compared to

Alternative B, Phase 1. Moving I-680 to the west to connect with SR12 eliminates adverse weaving that would occur under Alternative B, Phase 1.

Alternative C, Phase 1 would provide drivers on I-680 with standard outside-lane entrances/exits to I-80. Alternative B, Phase 1 would provide these connections in the median which could potentially create driver confusion as it is not the typical freeway configuration.

Additionally, the constructability of Alternative C, Phase 1 is much better than Alternative B, Phase 1. This is because the majority of the improvements can be constructed without affecting existing highway operations. Alternative B, Phase 1, because it primarily involves widening the existing freeway interchange would have substantially more impact on existing traffic during construction.

Finally, the FHWA provided Engineering and Operational Acceptability (EOA) preliminary approval of Alternative C, Phase 1 in a letter date September 20, 2011. Caltrans held a meeting with FHWA (December 8, 2011, conference call), in which the FHWA reiterated the substantial operational deficiencies with Alternative B, Phase 1—particularly that the left entrance/exist design associated with Alternative B, Phase 1—as a significant weakness and potential fatal flaw to this design obtaining EOA.

Based on the extensive evaluations of the alternatives conducted in the Final EIS, comments received from the public and agencies during the Draft EIS review process, and considering the traffic, engineering and operational aspects of all the alternatives, Alternative C, and Alternative C, Phase 1 were determined to be the preferred alternative (under CEQA and NEPA, respectively) and that Alternative B, and Alternative B, Phase 1 were no longer practicable or feasible alternatives given the significant traffic, engineering and operational issues associated with these alternatives, including the fact that obtaining EOA acceptability from the FHWA would be highly unlikely.

C. Section 4(f)

There are a number of properties in the project vicinity that are protected under Section 4(f) of the Department of Transportation Act on 1966. These resources primarily consist of local parks, trails and three historic districts. All resources protected under Section 4(f) with the exception of the Fairfield Linear Park were determined to not be directly or indirectly affected.

Under Alternatives B and C, a portion of the Fairfield Linear Park east of Abernathy Road would be relocated prior to construction in order to accommodate the reconstruction of the I-80/Abernathy Road interchange. The park is considered a 4(f) resource. There would be no effect to the recreational activities, features, or attributes of this facility because the resource would be replaced and there would be no interruption of use. The selected alternative (Alternative C, Phase 1) does not include reconstruction of

the I-80/Abernathy Road interchange, and therefore would not require relocation of the Fairfield Linear Park.

Three eligible historic resources are located adjacent to the proposed project: the Suisun City Train Depot, the Village of Cordelia Historic District, and the Suisun City Historic District. Under Alternative C, Phase 1, construction would occur in the southern portion of the Suisun City Train Depot parcel, however, the depot is located on the northern portion of the parcel and the construction would not result in an adverse effect. Under Alternative C, Phase 1 the highway would be moved farther from the district and there would be no effect to the Village of Cordelia Historic District. Alternative C, Phase 1 would result in a visual impact to the Suisun City Historic District but it would not be an adverse effect because it would not alter the district's overall sense of place and time. As indicated in Stipulation II.B.4 of the 80/680/12 Programmatic Agreement (See Appendix H of the EIR/EIS) the project, as currently proposed, will result in no adverse effect on eligible built environment properties. The SHPO's signature on the PA constitutes agreement with that determination.

D. Summary of Beneficial Impacts

Alternative C, Phase 1 of the I-80/I-680/SR12 Interchange Project will result in beneficial environmental impacts, described in Chapter 3 of the Final EIS. The beneficial impacts associated with the project include better roadway segment operations and intersection operations in the year 2035 (compared with operations projected for 2035 without construction of the project), reduced congestion and cut-through traffic on local roads, and improved safety conditions.

Alternative C, Phase 1 would improve corridor-wide mobility in both the a.m. peak hour and p.m. peak hour by increasing vehicle miles traveled while decreasing vehicle hours of delay. Average network travel speeds would increase. The effect on travel times would improve compared with No Project conditions, for all traffic.

Alternative C, Phase 1 will improve safety by reducing congestion and by braiding on- and off-ramps to reduce weaving. Additionally, it will improve safety by increasing the distance between interchanges allowing more room for traffic to weave.

E. Summary of Adverse Environmental Impacts and Measures to Minimize Harm

All practicable measures to minimize environmental harm have been incorporated as elements of Alternative C, Phase 1 and described in the Final EIS. A detailed description of impacts and avoidance, minimization, and mitigation measures can be found in the appropriate environmental resources sections of the Final EIS (Chapter 3). All measures listed are commitments for Alternative C, Phase 1.

Standard and specific measures adopted to minimize environmental harm for Alternative C, Phase 1 include: Previously mentioned jurisdictional water impacts that were reduced by design modifications incorporated into the project; ensuring that the Transportation Management Plan (TMP) (regarding detours, truck routes, notifications, etc.) addresses concerns of emergency service providers, the Fairfield-Suisun Unified School District, and others; implementing a Storm Water Pollution Prevention Plan and best management practices to minimize impacts on water bodies and water quality; protecting human remains, if encountered during excavation activities as per State Health and Safety Code Section 7050.5 and Public Resources Code 5097; implementation of a Health and Safety Plan for the protection of construction personnel as well as the public; disposing of soils contaminated with aerially contaminated lead, arsenic, pesticides, and herbicides in accordance with appropriate regulations; installing fencing to protect sensitive biological resources within the construction area; conducting environmental awareness training for construction personnel; retaining a biologist to monitor construction activities in sensitive habitats; restricting in-water work to avoid special-status fish during spawning seasons; avoiding the introduction and spread of invasive plants; minimizing soil disturbance; and restoring disturbed areas using native plant species.

Alternative C, Phase 1 will result in environmental impacts to the following resource areas: land use, growth; farmlands; community impacts; utilities; traffic and transportation; visual resources; cultural resources; hydrology; water quality; geology/soils/seismic; paleontology; hazardous waste; air quality; noise; energy; and biology. All of the resources and the potential environmental impacts and associated avoidance, minimization and mitigation measures are described in Chapter 3 of the Final EIS. The most substantial impacts and measures to minimize harm associated with Alternative C Phase 1 are discussed below.

Farmland

Alternative C, Phase 1 will convert nine parcels converting roughly 77 acres of agricultural land. To mitigate impacts on important farmland (those lands classified as “prime farmlands”), long-term land use restrictions such as agricultural conservation easements shall be obtained over Prime Farmland within Solano County at a 1:1 ratio (one acre protected for every one acre directly affected). Lands under an

agricultural conservation easement are considered to have higher agricultural value than other agricultural land in the project area. As such, the mitigation for the loss of lands under easement will be implemented at a higher ratio of 1.25:1.

Visual and Aesthetic Resources

The project would result in several localized changes to visual character. However, since the project is the improvement of an existing interchange, as a whole, it would not be out of character with the existing major highway interchange or add substantial new sources of light and glare. The project as a whole would not result in an extreme visual change or create severe adverse visual impacts. Visual minimization measures will, as appropriate, consist of replacing landscaping, providing light and glare screening measures, selecting building materials that are consistent with local architectural features, and ensuring aesthetic treatments are consistent with STA aesthetic recommendations for the I-80 corridor. Specific measures are found in Chapter 3 of the FEIR/EIS.

Natural Communities

Riparian Woodland

Alternative C, Phase 1 will permanently affect approximately 1.11 acre of riparian woodland. The project will also temporarily affect approximately 0.08 acre of riparian woodland.

The permanent loss of oak woodland vegetation will be compensated for at a minimum ratio of 1:1 (1 acre restored or created for every one acre permanently affected). This ratio will be confirmed through coordination with state agencies as part of the permitting process for the proposed project.

Temporary construction-related loss of riparian vegetation will be compensated for by replanting the temporarily disturbed areas with the same native species. Replanting will occur immediately after completion of the construction activities and no later than October 15 to minimize erosion, creek sedimentation, and adverse effects on fish.

Oak Woodlands

Alternative C, Phase 1 will permanently affect approximately 11.91 acres of oak woodlands. The permanent loss of oak woodland vegetation will be compensated for at a minimum ratio of 1:1. This ratio will be confirmed through coordination with state agencies as part of the permitting process for the proposed project.

Jurisdictional Wetlands

Alternative C, Phase 1 will permanently affect approximately 2.95 acres of jurisdictional wetlands including perennial marsh and seasonal wetland.

In compliance with the CWA Section 404 permit and water discharge requirements (WDRs), the permanent loss (fill) of wetlands, including perennial marsh, alkali seasonal marsh, and seasonal wetland, will be compensated for and measures will be taken to ensure no net loss of habitat functions. Loss of wetlands will be compensated for at a minimum ratio of 1:1 (one acre of mitigation for every one acre filled), except for any loss of wetlands in the location designated as W-45e-1, which is a mitigation area and will require mitigation at a minimum ratio of 2:1. The actual compensation ratios will be determined through coordination with the RWQCB and the USACE as part of the permitting process. Compensation may be a combination of mitigation bank credits and restoration/creation of habitat.

In coordination with the RWQCB and the USACE, a wetland restoration plan that involves creating or enhancing the affected wetland type (perennial marsh, alkali seasonal marsh, or seasonal wetland) will be developed and implemented. Potential restoration sites will be evaluated to determine whether this is a feasible option, and restoration sites will be approved by the RWQCB and the USACE through coordination during the permitting process.

Seasonal and Perennial Drainages

Alternative C, Phase 1 will permanently affect 13,188 linear ft (1.62 ac) of seasonal and perennial drainages.

The permanent fill of other waters of the United States in drainages will be compensated for at a minimum ratio of 1:1 (one linear foot of habitat restored or created for every one linear foot permanently affected). The actual compensation ratios will be determined through coordination with the RWQCB and the USACE as part of the permitting process.

Threatened and Endangered Species

Callippe Silverspot Butterfly

Alternative C, Phase 1 will result in the permanent loss of 38.82 acres of Callippe Silverspot butterfly habitat, and temporary disturbance of 19.32 acres of habitat and could result in the loss of individuals.

The permanent loss of Callippe Silverspot butterfly habitat will be compensated for at a ratio of 3:1. The temporary disturbance will be compensated for at a ratio of 1:1 on-site and 0.5:1 if restored within 1 year;

1:1 on-site and 1.5:1 off-site if restored within 2 years; and, either 1:1 on-site and 2:1 off-site or 3:1 off-site if restored in greater than 2 years.

Vernal Pool Fairy & Tadpole Shrimp Habitat

Alternative C, Phase 1 will result in potential loss of Vernal Pool Fairy Shrimp/Vernal Pool Tadpole Shrimp. Construction would result in direct affect to 1.45 acres and indirect effect to 0.26 acres of potential habitat.

The project will compensate for the loss of all suitable habitat for vernal pool fairy shrimp or vernal pool tadpole shrimp that occur within 250 feet of the project area. The potential vernal pool fairy shrimp and vernal pool tadpole shrimp habitat within the area is described as low conservation value in the draft Solano Habitat Conservation Plan. Direct effects on habitat for vernal pool fairy and tadpole shrimp will be compensated for at a ratio of 1:1. Indirect effects will be compensated for at a ratio of 1:1.

However, actual compensation ratios will be determined through consultation with the USFWS. Compensation will be implemented through purchase of mitigation credits at a USFWS-approved bank. It may be possible to compensate for some or all of the impacts on fairy shrimp habitat through implementation of the mitigation measure to compensate for permanent loss of wetlands.

Valley Elderberry Longhorn Beetle Habitat

Alternative C, Phase 1 will result in the direct loss of Valley Elderberry Longhorn Beetle (VELB) habitat, from construction effects, to ten shrubs, and in indirect effects to two shrubs.

Direct effects on VELB will be compensated through a combination of replacement plantings and transplantation of elderberry seedlings or cuttings and associated native plantings in a USFWS-approved conservation area, at a ratio between 1:1 and 8:1 (ratio of new plantings to affected stems).

California Red-legged Frog Habitat

Alternative C, Phase 1 will result in the loss of California red-legged frog habitat resulting in permanent effects to 2.86 acres of aquatic habitat, 22.38 acres of critical habitat, and 78.48 acres of upland habitat. Temporary impacts will occur to 0.47 acres of critical habitat and 19.32 acres of upland habitat.

The permanent loss of California red-legged frog habitat will be compensated for at a ratio of 3:1 for areas outside the right of way and 2:1 for areas within the maintained right of way and excluded by directional fencing. Temporary disturbance will be compensated for at a ratio of either 1:1 on-site and between 0.5:1 and 2:1 off-site, or 3:1 off-site.

California Tiger Salamander

Alternative C, Phase 1 will result in the permanent loss of 0.76 acres of potential upland habitat for California tiger salamander (CTS).

Caltrans will employ avoidance and minimization measures and construct a retaining wall along SR 12 east to limit impacts and avoid intrusion into the adjacent seasonal wetland.

Swainson's Hawk

Alternative C, Phase 1 will result in the permanent loss of 169.64 acres of foraging habitat and 15.94 acres of potential nesting habitat and the temporary disturbance of 3.07 acres of potential nesting habitat.

The CDFG requires that loss of foraging habitat for the species be replaced at different ratios depending on the distance from a known nest. Compensatory mitigation will be completed as agreed upon with the California Department of Fish and Game (CDFG) prior to construction and be based on the presence or absence of active nests.

Mitigation Monitoring or Enforcement Program

An Environmental Commitment Record (ECR) has been developed and can be found in Appendix J of the Final EIS. The ECR is a comprehensive listing of all proposed environmental commitments. Implementation of the ECR ensures tracking and documentation of the completion of Environmental Commitments through the Project Delivery Process.

In accordance with the April 16, 2012, Biological Opinion issued by the USFWS, pre-construction surveys will be conducted for listed species; a Service-approved biologist will monitor all activities for compliance with the Biological Opinion. All conservation measures as described in the Proposed Conservation Measures section of the Biological Opinion will be fully implemented by Caltrans. All mitigation monitoring report forms will be completed by those responsible for implementation, and verified by those responsible for monitoring and approval. Environmental commitment measures for farmlands include providing replacement conservation easements. A Transportation Management Plan (TMP) will be prepared. For water quality and stormwater runoff, permanent design pollution prevention Best Management Practices (BMPs) will be incorporated.

Per the NEPA/Section 404 Integration Process, a Conceptual Mitigation Plan (CMP) is being prepared. The CMP will further discuss mitigation and monitoring. The CMP must be approved prior to the issuance of the Section 404 and 401 permits.

F. Comments on the Final EIS

The Final EIS for the project was prepared and approved. A Notice of Availability (NOA) of the Final EIS was published in the Federal Register as well as in *The Daily Republic* on October 19, 2012. The document was distributed to federal, state, and local agencies and private organizations, and to members of the public who provided comments on the Draft EIS or who requested a copy of the final document. It was available for review for 30 days following the NOA and prior to Caltrans taking final action on the project.

Six letters were received during the 30 day period. The letters were from:

- Eileen Ferrari and Margaret Ferrari of the Ferrari Ranch
- Joseph Garaventa of Garaventa Properties
- the San Francisco Bay Conservation and Development Commission (BCDC)
- the U.S. Army Corps of Engineers (USACE)
- the U.S. Department of the Interior (USDOJ)
- the U.S. Environmental Protection Agency (USEPA)

Each of these letters and the responses to comments in these letters are included as an attachment to this Record of Decision.

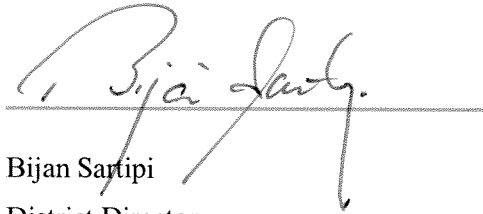
G. Conformity with Air Quality Plans

The Federal Clean Air Act, as amended, requires that transportation projects conform to the State Implementation Plan's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and of achieving expeditious attainment of such standards. The EPA regulation implementing this provision of the Clean Air Act (40 CFR Part 93) establishes criteria for demonstrating that a transportation project is in conformity with applicable air quality plans. The conformity evaluation of the Preferred Alternative was presented in Section 4.2.1.3, Air Quality, of the Final EIS. The project meets the criteria in 40 CFR Part 93, in that it conforms to the Metropolitan Transportation Commission's (MTC) Transportation 2035 Plan and the (Regional) Transportation Improvement Program, and conforms to the Clean Air Act Amendments of 1990. The project description is the same as the project as described in the Transportation 2035 Plan (Regional Transportation Plan) and in the Transportation Improvement Program (TIP). The FHWA found that the Conformity Determination for this project conforms to the State Implementation Plan in accordance with 40 CFR Part 93.

H. Record of Decision Approval

On the basis of the environmental record presented above, Caltrans finds Alternative C, Phase 1 has satisfied the requirements of NEPA, the Clean Air Act of 1970, and U.S. Department of Transportation Act of 1966, all as amended. All practicable measures to minimize and mitigate environmental harm have been adopted and will be incorporated into this decision.

December 07, 2012

A handwritten signature in cursive script, reading "Bijan Sartipi", is written over a horizontal line.

Bijan Sartipi

District Director

California Department of Transportation

ATTACHMENT A

Comment Letters



Ferrari Ranch
<ferrariranch@gmail.com>

11/16/2012 01:16 PM

To <Howell_chan@dot.ca.gov>

cc "Rowland, Herman" <hrowland@jellybelly.com>, Margaret
Ferrari Rowland <mferrari@jellybelly.com>, George Condon
<gcondon@sponsorproperties.com>, imaferrari

bcc

Subject Interstate 80/Interstate 680/State Route 12 Interchange
Project

History:

✉ This message has been forwarded.

November 16, 2012

□

□

Caltrans District 4
Attn: Howell Chan
Environmental Analysis Office Chief
P.O. Box 23660, MS-8B
Oakland, CA 94623-0660
E-mail: □ Howell_chan@dot.ca.gov

Re: Interstate 80/Interstate 680/State Route 12 Interchange Project

Dear Mr. Chan,

My sister, Margaret Ferrari, and I own the property on Red Top Road next to Sunnyside Dairy. The property is bounded by Red Top Road, Interstate 80, State Route 12 and our neighbor's property.

We reviewed the EIR for the subject project and offer the following comments for your review and response:

1. How will the project mitigate and compensate the owner of the two homes for aesthetic impacts related to the segment of the interchange running behind the two houses? 1
2. How will the project mitigate and compensate the owner of the two homes for light impacts from the segment of the interchange running behind the two houses? Please note that down-lighting will cast light on the homes since the lights will be placed above the homes. 2
3. How will the project mitigate and compensate the owner of the two homes for noise impacts from the segment of the interchange running behind the two houses? The EIR does not directly address this issue. 3
4. How will the project mitigate and compensate the owner of the two homes for known roadway pollutants from the segment of the interchange running behind the two houses? 4

5. The report does not model the levels of carbon monoxide and other pollutants near the two homes. Will the carbon monoxide levels be harmful to the people living in these homes and to the environment surrounding the proposed road?

5

6. An adult California Red Legged Frog was recently (2012) documented in the immediate vicinity of the proposed interchange, along with habitat suitable for the Callippe silverspot butterfly and California burrowing owl. Beyond habitat loss, increased levels of carbon monoxide and other pollutants, as well as noise and nighttime lighting associated with the proposed interchange could significantly impact these protected species.

7. Figure 3.2.6-2 does not identify the area behind the two homes as an area containing sensitive receptors. This appears to be an oversight, based on recent findings. Please address all the environmental impacts to this area and how the project plans to mitigate and compensate the owner for lost value.

6, 7, 8,
and 9

8. A 2004 survey for Callippe Butterfly may be outdated for current planning purposes today. Please explain why you believe this 8-year old report is still reliable, considering resource agencies require new surveys every 2-5 years for routine project evaluation.

9. The technical reports are not attached to the EIR, making it difficult to determine if the area around and 1-mile beyond the segment of the interchange running behind the two houses was in fact surveyed for the current analysis? Please respond to this concern and provide a copy of the wildlife and botanical surveys conducted for this EIR.

10. How does Caltrans/STA plan to compensate the owners for the loss of riparian woodland along Jameson Canyon Creek?

10

11. The report proposes the following ideas for compensation:

"Permanent loss of riparian vegetation will be compensated for at a ratio to be determined in cooperation with the RWQCB and CDFG. Potential mitigation areas include, but are not limited to, Solano Community College; the Solano Land Trust's Lynch Canyon Open Space, which is northwest of I-80 in American Canyon; and the King Ranch Open Space, which is west of I-680 in the American Canyon area (according to Sue Wickham, project coordinator at the Solano

11

Land Trust, in a phone conversation with Lisa Webber of ICF Jones & Stokes on March 12, 2008, and an e-mail to the same recipient on October 13, 2008). Compensation may be combined with project impacts on CRLF aquatic habitat. Mitigation areas will be placed within a conservation easement to ensure protection in perpetuity ."

The project will impact live oak woodland and riparian (Jameson Creek) habitat on the property, along with California red-legged frogs and birds nesting using

these habitats. Callippe silverspot butterflies and California burrowing owls could also use the grasslands immediately adjacent to the project area. Ferrari Ranch, therefore, provides a unique opportunity to mitigate these impacts on-site rather than off-site, which is the highest priority for federal and state resource agencies (e.g. U.S. Army Corps of Engineers/EPA 2008 Mitigation Rule, U.S. Fish & Wildlife Service mitigation policy, and CA Department of Fish & Game). Please address the acceptability, preference and ultimate choice of a conservation easement on Ferrari Ranch as an acceptable compensation tool vs. potential offsite mitigation.

11 cont.

If onsite, in-kind mitigation for biological impacts of the project are not pursued, how would you compensate the landowners for the loss of valuable habitat and species?

We believe Ferrari Ranch provides feasible on-site compensation. Please tell us whether or not you agree.

The proposed project, as described, will create significant adverse impacts to botanical, wildlife and human residents of this property. We look forward to discussing ALL alternatives for mitigating these impacts and working closely with Caltrans and STA to achieve a mutually beneficial solution.

Sincerely,

□

Eileen Ferrari Margaret Ferrari

Cc: Condon, George

DiGiusto, John

Rowland, Herm



Garaventa Properties

2540 BATES AVENUE • CONCORD, CALIFORNIA 94520
P.O. BOX 5397 • CONCORD, CALIFORNIA 94524-2012
TEL. (925) 689-8390 • FAX (925) 692-2277

Caltrans District 4
Attn: Howell Chan
Environmental Analysis Office Chief
P.O. Box 23660, MS-8B
Oakland, CA 94623-0660
E-mail: Howell_chan@dot.ca.gov

Solano Transportation Authority
Attn: Daryl K. Halls, Executive Director
One Harbor Center, Suite 130
Suisun City, CA 94585

Dear Sirs:

We are writing on behalf of 2500 Bates LP, 88/12 LP and 5 Child LLC r(collectively "Garaventa Properties") in connection with the Authority's proposed I-80/I-680/SR12 Interchange Project (Project) for which a Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) is being prepared. As you may know, Garaventa Properties is the owner of a number of properties in the Project area, including the Fairfield Corporate Commons, a development located in the City of Fairfield, adjacent to Business Center Drive and the Interstate 80 right-of-way. We have recently learned about the full scope of the Project and are most concerned about the substantial, adverse effects that the construction activities and reconstructed freeway project will have upon their property.

We have reviewed the DEIS/EIR and now have a number of comments and questions regarding its contents and treatment of impacts to adjacent properties and adequacy under the California Environmental Quality Act (CEQA). In particular, we are curious as to the expected timing of the acquisitions for the proposed project, particularly the properties listed under Alternatives "B" and "C" in Appendix I to the DEIS/EIR. The construction of the Project in the areas shown in the DEIS/EIR would have significant impacts on the existing and future development of these developments. In particular, we are deeply concerned that the relocation of the North Bay Aqueduct and adjacent freeway lanes will devastate the recently-completed detention basin and wetland mitigation area that adjoins Dan Wilson Creek on the north side of the freeway. This mitigation area was built to support the development of

the adjacent properties on both sides of Business Center Drive. Similarly, the project is planned to impact other potential mitigation areas at the intersection of the freeway and Suisun Valley Road, which has also been identified as a mitigation and drainage area for the adjacent shopping center development. The impact of the taking of these properties would be significant, as they are located adjacent to streams and, in the case of the detention basin, have been specifically engineered to provide a particular gradient flow into the adjacent Dan Wilson Creek as part of a comprehensive storm water management plan. If these facilities need to be relocated, not only will they impact properties planned for commercial development, but their construction may require more extensive areas or improvements as a result of the area's topography. None of these issues was addressed in the DEIS/EIR.

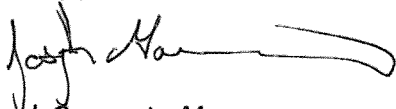
1 cont.

In reviewing the DEIS/EIR, it seems clear that a very generalized approach was taken regarding drainage impacts, utility relocations and land use impacts on adjacent properties. We believe these discussions are inadequate, as they fail to identify the very specific significant impacts on adjacent properties. These impacts will be exacerbated if they disrupt the funding to support established Mello-Roos Communities Facilities Districts, which have been formed to construct and maintain sophisticated drainage facilities and manage bond revenues from affected properties. It also does not appear that any alternatives for the relocation of the North Bay Aqueduct were considered that might mitigate the impact of the Project on the adjacent detention basin by relocating it further to the north.

2

In summary, Garaventa Properties has substantial concerns about the overall impacts of the Project and in particular how the Project might affect their properties. We do not feel that the DEIS/EIR has adequately considered these impacts and is therefore is legally deficient.

Sincerely yours,



Joseph Garaventa, Manager



Making San Francisco Bay Better

November 19, 2012

Howell Chan
District Branch Chief, Office of Environmental Analysis
Department of Transportation
P.O. Box 23660, MS-8B
Oakland, CA 94623-5623

SUBJECT: FINAL ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT
STATEMENT FOR THE INTERSTATE 80/INTERSTATE 680/STATE ROUTE 12
INTERCHANGE PROJECT

Dear Mr. Chan:

Thank you for your letter and attachments dated October 19, 2012 and received in this office on October 22, 2012, sending us the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 80/Interstate 680/State Route 12 Interchange Project. The project proposes to extend Red Top Road across I-680, create an interchange, and realign Ramsey Road to accommodate the interchange, all in an unincorporated area of Solano County near Cordelia. Work east of I-680 would occur within the secondary management area of the Suisun Marsh. Within the secondary management area of the Suisun Marsh, local governments typically issue marsh development permits pursuant to a Commission-approved Local Protection Program, except when the project applicant is a state agency. In these cases, the Commission administers the Local Protection Program using the local government's adopted policies in evaluating projects. The comments in this letter are based on Solano's Counties local protection program, and the Commission's law, the McAteer-Petris Act, the Commission's *San Francisco Bay Plan*, the Suisun Marsh Preservation Act, the *Suisun Marsh Protection Plan*, Solano County's *Policies and Regulations Governing the Suisun Marsh*, the Commission's federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act.

The Commission staff responded to the Draft EIR/EIS for the project in a letter from Jessica Davenport dated October 1, 2010. In that letter, Jessica cited a number of policies that appeared to apply to the project and requested that the Final EIR/EIS discuss whether the proposed project was consistent with these policies. Of particular concern was the policy in the Utilities, Facilities and Transportation Section stating, in part, "new roadways (highways, primary and secondary roads) and rail lines that form barriers to movement of terrestrial wildlife should not be constructed in the Suisun Marsh or in adjacent uplands necessary to protect the Marsh except where such roadways and rail lines are necessary in the secondary management area for the operation of water-related industry...." The BCDC staff believes that the proposed extension of Red Top Road, the creation of a new interchange, and the realignment of Ramsey Road all constitute new roads that are inconsistent with this policy. Contrary to what the final EIR/EIS states in its response to our earlier letter, the net effect of building these roads would be that a

1

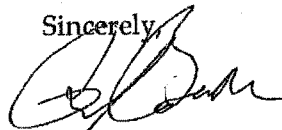
Howell Chan
District Branch Chief, Office of Environmental Analysis
Department of Transportation
November 19, 2012
Page 2

sizable area of the secondary management area would be occupied or isolated by roads that, absent any information to the contrary, appear to form significant barriers to wildlife. All of the area inland of the realigned Ramsey Road would appear to unavailable or dangerous for wildlife. The response to comments also implies that the Commission's concern is limited to the primary marsh. However, a key component of the Suisun Marsh Preservation Act and the *Suisun Marsh Protection Plan* is preservation and protection of both the tidal marshes, seasonal marshes, managed wetlands and lowland grasslands within the Primary Management Area and the "upland grasslands and cultivated lands which serve as significant buffers to the Marsh" within the Secondary Management Area (Resource Conservation and Open Space Elements of Solano County's *Policies and Regulations Governing the Suisun Marsh*).

1 cont.

We appreciate the opportunity to comment on the Final EIR/EIS and are happy to discuss the apparent conflict of the proposed road extension and interchange with the policies protecting the Suisun Marsh. If you have any questions, please do not hesitate to contact me at 415-352-3612 or bobb@bcdca.gov

Sincerely,



ROBERT J. BATHA
Chief of Permits

RJB/ra
cc: Jeff Jensen, Caltrans



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

NOV 16 2012

Regulatory Division (1145b)

SUBJECT: File No. 400401S

Ms. Melanie Brent, District Office Chief
California Department of Transportation (Caltrans)
P.O. Box 23660, MS8-B
Oakland, California 94623

Dear Ms. Brent:

This letter serves to respond to your October 19, 2012 letter requesting comments regarding the Final Environmental Impact Report/Environmental Impact Statement for the Interstate 80/Interstate 680/State Route 12 Interchange Project. Please see our below comments.

The comments provided via email by USACE on September 7, 2012 do not appear to have been incorporated. Specifically, there are two presented mitigation options for perennial drainages (3.3-18) and perennial marsh (3.3-28). There are some inaccuracies with the second paragraph/option and not all possibilities are captured by these two paragraphs. Required compensatory mitigation for loss of all Waters of the U.S. will be consistent with the requirements established in the "*Compensatory Mitigation for Losses of Aquatic Resources: Final rule 33 C.F.R. pt. 325 and 332*", published on April 10, 2008 and the USACE no net loss policy. This comment applies consistently to all of the paragraphs discussing mitigation associated with USACE jurisdictional waters of the U.S., including seasonal drainages and seasonal wetland for which compensatory mitigation language was not included.

The Hydrology and Floodplain subsections considering Environmental Consequences for American Canyon and Jameson Canyon have been omitted. The study discrepancies associated with the separate Suisun Floodplain study are concerning (page 3.1.8-5). These discrepancies must be resolved prior to any Clean Water Act 404 authorization for work in the floodplain of these creeks (i.e., Rains Drain, Lower Suisun Creek, Ledge wood Creek, Dan Wilson Creek, and Alonzo Drain).

The cumulative effects section continues to be brief; especially in light of the USACE early correspondence to the importance of this section. The FEIS outlines projects proposed to occur within the HUC, but only includes transportation projects. There are a number of very large residential developments with fairly large associated wetland impacts. These projects should be incorporated in the analysis beyond a brief mentions (i.e., Northeast Fairfield Specific Plan, Hawthorn Mill, Manuel Campos Parkway Improvement, and Fairfield Transit Station). We recommend the addition of a table that lists the expected impacts to Waters of the U.S. associated with each project. Another table outlining active wetland restorations in the identified analysis area (Huc8) would also be a helpful comparison. There is extensive restoration efforts underway

within Solano County associated with the Suisun Marsh Management Plan. The Suisun Marsh Management Plan EIS has much of the information already incorporated regarding wetland establishment/restoration projects

3 cont.

(http://www.usbr.gov/mp/nepa/documentShow.cfm?Doc_ID=8686, chapter 9). Please note this comment was also provided on September 7, 2012.

Should you have any questions regarding this matter, please call Paula Gill of our Regulatory Division at 415-503-6776. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter.

Sincerely,
ORIGINAL SIGNED
BY
JANE M. HICKS
CHIEF, REGULATORY DIVISION
Jane M. Hicks
Chief, Regulatory Division

Copies Furnished:

US EPA, San Francisco, CA
US FWS, Sacramento, CA
US NMFS, Santa Rosa, CA
CA DFG, Yountville, CA
CA RWQCB, Oakland, CA



United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW - MS 2462 - MIB
Washington, D.C. 20240

NOV 16 2012

ER10/0727

Ms. Melanie Brent
California Department of Transportation, District 04
P.O. Box 23660, MS-1K
Oakland, CA 94623-0660

Dear Ms. Brent:

Thank you for the opportunity to review the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 80/Interstate 680/State Route 12 Interchange Project, Solano County, CA. The National Park Service (NPS) has reviewed the document, and the Department of the Interior hereby submits the following comments.

Fairfield Linear Park (LWCF #06-00830) is identified in the EIR/EIS as a Section 4(f) resource for which a preliminary *de minimis* finding has been proposed. Because this park received federal assistance for park development, the park is also protected under the Land and Water Conservation Fund Act (16 USC §460/ et seq.) which does not allow conversion of any parkland to a use other than public outdoor recreation unless approved by the Secretary of the Interior (delegated to NPS), and then only under the terms of a conversion requiring replacement parkland.

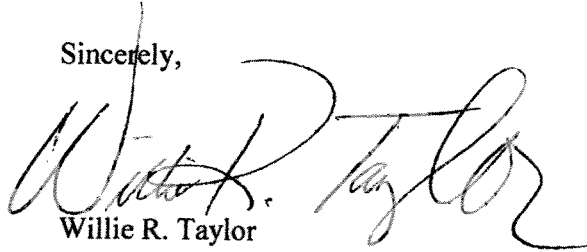
Review of the EIR/EIS reflects that a Land and Water Conservation Fund (LWCF) Section 6(f) analysis has not yet been done. A Section 4(f) *de minimis* finding by the Federal Highway Administration (FHWA) does not obviate the need to comply with Section 6(f) of the Land and Water Conservation Fund Act (LWCF). In this case, it appears that a trail segment will be relocated. If that segment falls within the 6(f) protected boundary, it would constitute a conversion for which the City of Fairfield and the State of California would be responsible. 1

The EIR/EIS should include the required compliance under LWCF Section 6(f) and LWCF post-completion compliance requirements under 36 CFR §59. For assistance in preparing the requisite new information, please contact Mr. David Siegenthaler, Outdoor Recreation Planner,

-2-

Pacific West Region, National Park Service, 333 Bush Street, Ste. 500, San Francisco, CA
94104-2828 or by phone at (415) 623-2334.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie R. Taylor". The signature is fluid and cursive, with the first name "Willie" and last name "Taylor" clearly distinguishable.

Willie R. Taylor

Director, Office of Environmental
Policy and Compliance



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

November 19, 2012

Howell Chan
California Department of Transportation District 4
111 Grand Avenue
P.O. Box 23660
Oakland, CA 94623-0660

Subject: Final Environmental Impact Statement for the Interstate 80/Interstate 680/State Route 12 Interchange Project, Solano County, California (CEQ #20120327)

Dear Mr. Chan:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. EPA has previously provided feedback on this project through the *National Environmental Policy Act/Clean Water Act Section 404 Integration Process Memorandum of Understanding* (NEPA/404 MOU). We appreciate the significant coordination efforts to resolve concerns about impacts to water resources throughout the NEPA/404 MOU process.

EPA reviewed the Draft Environmental Impact Statement (DEIS) for this project and provided comments to the California Department of Transportation (Caltrans) on October 18, 2010. We rated the DEIS as *Environmental Concerns, Insufficient Information* (EC-2) due to concerns about impacts to wetlands and waters of the United States, air quality, and environmental justice communities, and requested that the Final Environmental Impact Statement (FEIS) include additional information about those impacts, the transportation benefits of the project, and other resource areas.

In a March 12, 2012 letter, we agreed with Caltrans' selection of Alternative C Phase 1 as the preliminary least environmentally damaging practicable alternative (LEDPA), the only alternative that can be permitted pursuant to Clean Water Act Section 404 Guidelines. We agreed to the conceptual mitigation plan in a November 13, 2012 letter. We encourage Caltrans to continue efforts to minimize impacts to aquatic resources, and other environmental resources, through project design modifications where possible. We continue to be available to discuss mitigation options with Caltrans as a final mitigation plan is developed.

We appreciate the additional information provided in the FEIS to address some of the concerns raised in our comments on the DEIS, but we have some remaining concerns, as described below.

Wetlands and Other Waters of the United States

The footnotes on page 3.2.1-10 state that based on a Suisun Floodplain study that is being conducted, flood flows at the Raines Drain crossing of I-80 may be significantly larger than what was considered in designing this project. The footnote states that preliminary data indicate that peak 50-year storm flows may be closer to 6,450 cfs, seven times greater than 925 cfs, the flow designed for as a part of this project. The footnotes state that if this information is confirmed, the stormwater conveyance improvements proposed as part of this project would require upsizing. EPA is concerned that this upsizing may result in additional resource impacts. If this upsizing is required, supplemental environmental analysis may be required to determine whether this change to project design would result in additional impacts.

1

Recommendation:

In the Record of Decision (ROD), clearly identify the process that will be used to determine whether or not design changes based on a potentially significant underestimate of stormwater flows will be required and whether these design changes will require supplemental environmental analysis.

The FEIS states that impacts to seasonal and perennial drainages will be mitigated with riparian habitat. Improving riparian habitat along existing creeks/drainages could be considered in-kind rehabilitation or enhancement, depending upon the type of creek/drainage. This mitigation would not be considered establishment, and may therefore require a higher mitigation ratio. Further, the FEIS contains mitigation performance standards for wetlands. As stated in our comments on the DEIS, the compensatory mitigation performance standards will be determined through consultation with the resource agencies during permitting. The standards included in the FEIS may be inadequate.

2

Recommendation:

In the ROD, confirm that the final mitigation plan, including type and location of mitigation, performance standards, and mitigation ratios will be determined through consultation with resource agencies during the permitting process

The discussion of impacts to seasonal wetlands states that compensation will be provided for indirect impacts to fairy shrimp habitat. This seems inconsistent with statements in this and other sections that indirect impacts to waters will be avoided through best management practices.

Recommendation:

If indirect impacts will occur in areas other than fairy shrimp habitat, commit to mitigation for these impacts in the ROD.

3

EPA supports the Army Corps of Engineers' request for additional information on cumulative impacts to wetlands; in particular the impacts of major development projects in the vicinity of the project.

Transportation and Mobile Source Air Toxics Impacts

EPA appreciates the updated information on transportation performance measures in the FEIS. We note that the updated information in Tables 3.1.6-10 and 3.1.6-11 indicates that travel times for some of the routes would be shorter with the project than with no project both in 2015 and 2035, and travel times for other routes would be longer with the project than without the project.

4

As stated in our comments on the DEIS, EPA commends Caltrans for identifying the general locations of sensitive receptors in the project area and performing a quantitative mobile source air toxics (MSAT) emissions analysis of the project alternatives. The FEIS states that the quantitative analysis indicated that the project would result in a decrease in MSAT emissions relative to existing conditions, but would result in increases in some MSAT emissions relative to future no-build conditions. The FEIS also states that an analysis of the project's MSAT impacts on sensitive receptors was not conducted because EPA has not established regulatory concentration targets for MSAT pollutants. While MSATs are not regulated like criteria pollutants, EPA encourages the disclosure of the locations and amounts of MSAT emissions in order to inform the public and inform minimization and mitigation strategies. EPA appreciates Caltrans' commitment to implement measures to reduce MSAT emissions where feasible.

5

Environmental Justice

EPA has remaining concerns about noise impacts to environmental justice communities, since the majority of the residences affected by noise impacts are located in an environmental justice community. While we appreciate the rationale provided for the decision to not implement mitigation measures, given that the impacts will affect environmental justice communities, we continue to recommend that all feasible mitigation measures be adopted.

6

Recommendation:

EPA recommends that Caltrans implement all mitigation that is deemed feasible, and to commit to this mitigation in the ROD.

We appreciate the opportunity to review this FEIS. When the ROD is signed, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov or Melissa Scianni of EPA's Wetlands Regulatory Office at 415-972-3821 or scianni.melissa@epa.gov.

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office

cc: Paula Gill, Army Corps of Engineers
Brendan Thompson, Regional Water Quality Control Board
Melissa Escaron, California Department of Fish and Game
Michelle Tovar, U.S. Fish and Wildlife Service

ATTACHMENT B

Responses to Comments

Attachment B

Responses to Comments on the Final EIS

The availability of the Final EIR/EIS was published in the Federal Register on October 19, 2012. The 30-day review period for the document closed on November 19, 2012. Six comment letters were received from the following parties:

1. Eileen Ferrari and Margaret Ferrari, received via email November 16, 2012
2. Joseph Garaventa, received November 19, 2012
3. San Francisco Bay Conservation and Development Commission (BCDC), received November 19, 2012
4. United States Department of the Army, San Francisco District U.S. Army Corps of Engineers, received November 16, 2012
5. United States Department of the Interior, received November 16, 2012
6. United State Environmental Protection Agency, Region IX, dated November 19, 2012

Eileen Ferrari and Margaret Ferrari

Comment #1: The Ferraris ask about mitigation and compensation for aesthetic impacts to their residences.

Response: The Preferred Alternative would construct a new roadway and new interchange on SR 12W in the vicinity of their residences. However, the new roadway and interchange would not block existing views from the residences and would be screened by existing vegetation, located to the north and west of the residences, which a substantial portion would remain unaffected by the project. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Comment #2: The Ferraris ask about mitigation and compensation for light impacts to their residences.

Response: As with aesthetics above, the project improvements would be located in the vicinity of the residences; however, a substantial amount of existing vegetation and trees would remain unaffected by the project which would screen views as well any light from the proposed improvements. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Comment #3: The Ferraris ask about mitigation and compensation for noise impacts to their residences.

Response: The Ferraris residences are located several hundred feet from any proposed improvements

and because of the distance would not experience substantial noise increases from the project. In addition, because of the location and isolated nature of the Ferrari property construction of noise barriers would not be feasible. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Comment #4 and #5: The Ferraris ask about mitigation and compensation for air pollutant impacts to their residences and modeling of carbon monoxide.

Response: The Final EIR/EIS evaluated air pollutant emissions from the project alternatives in detail (see Chapter 3.2.6). The analysis included modeling of carbon monoxide and found that none of the project alternatives would result in an exceedance of the 1-hour or 8-hour federal and state ambient air quality standards for carbon monoxide. With regard to emissions of ozone precursors vehicular emission rates are anticipated to lessen in future years due to continuing improvements in engine technology and the retirement of older, higher-emitting vehicles. Emissions of particulate matter (PM) are not expected to experience a dramatic reduction over time. This is because PM emission factors are comprised of PM emitted directly from vehicle tailpipes, as well as from normal brake and tire wear. While more stringent emissions standards will reduce direct PM emissions, they will not affect emissions from brake and tire wear, which are anticipated to remain relatively unchanged. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Comment #6, #7, #8, and #9: The Ferraris express concerns about impacts to California Red Legged Frogs and Callippe Silverspot Butterflies beyond habitat loss and that increase levels of carbon monoxide, noise and lighting could significantly impact these protected species. In addition, the Ferraris ask how the project will compensate for sensitive habitat and if surveys conducted 8 years ago are still reliable.

Response: Caltrans' evaluation of potential impacts to protected species has taken into account both direct impacts of habitat loss as well as indirect effects. The Department has consulted with the US Fish and Wildlife Service under Section 7 of the Endangered Species Act. Based on the surveys conducted as well as all available data on the species affected by the project, the Service has issued a biological opinion covering the California Red Legged Frog, Callippe Silverspot Butterfly, as well as several other protected species in April 2012. The Biological Opinion is included in the Final EIR/EIS as Appendix H. The biological opinion requires compensatory mitigation for habitat loss, direct and indirect effects to these sensitive species.

Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Biological surveys for the project have been ongoing since 2005 with updates in 2007, 2009 and 2012 as needed to ensure biological information for the project is current. The survey area included the portions of the Ferrari property affected by the project. The biological reports for the project are available for inspection at Caltrans District 4, 111 Grand Avenue, Oakland California during normal business hours.

Comment #10: Ferraris ask about compensation for riparian woodland along Jameson Canyon Creek and requests the Ferrari property be considered for providing on-site compensation.

Response: Effects on riparian habitats including those along Jameson Canyon Creek are discussed in the Final EIR/EIS in section 3.3.1.1 beginning on page 3.3-3. As indicated in the Ferraris letter, permanent impacts to riparian vegetation will be compensated at a ratio to be determined in consultation with the RWQCB and CDFG. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Comment #11: The Ferraris ask if onsite, in-kind mitigation for biological impacts of the project are not pursued, how would Caltrans compensate the landowners for the loss of valuable habitat and species. Ferraris ask whether their property provides feasible on-site compensation.

Response: Project environmental mitigation will be determined by Caltrans in consultation with the resource agencies. Any compensation for property acquired for the project would be addressed in the right of way acquisition process.

Joseph Garaventa

Comment #1: Mr. Garaventa asks about the timing of property acquisition because the project alternatives would have significant impact of existing and future development. In particular Mr. Garaventa is concerns about the impacts of relocating the North Bay Aqueduct and potential impacts on a recently completed detention basin and wetland mitigation area built for a nearby development.

Response: The Preferred Alternative C-1 and subject of this ROD does not involve any improvements on I-80 east of the Suisun Valley Road overcrossing and therefore will not impact in any way the North Bay Aqueduct or detention basin and wetland mitigation area referenced in Mr. Garaventa's letter.

Comment #2: Mr. Garaventa is concerned that the drainage impacts and utility relocations are discussed too general and could result in substantial impacts to adjacent properties including the possible disruption of a Mello-Roos Communities Facilities District which has been formed to construct and maintain drainage facilities in the area.

Response: The Final EIR/EIS has taken into consideration all drainage and utility relocations necessary to construct each of the project alternatives. As noted previously, Caltrans has selected Alternative C-1 as the preferred alternative which is the subject of this ROD. Utility relocations and drainage improvements necessary for Alternative C-1 will not affect properties located along I-80 east of Suisun Valley Road. As such Alternative C-1 will have no effect on the Mello-Roos district in this area, the detention basin or the North Bay Aqueduct.

San Francisco Bay Conservation and Development Commission (BCDC)

Comment #1: BCDC staff believe that the proposed extension of Red Top Road, the creation of a new interchange, and the realignment of Ramsey Road all constitute new roads that are inconsistent with Solano County's policies and regulations governing the Suisun Marsh because they would occupy a sizable area of the secondary management area and form significant barriers to wildlife.

Response: Caltrans reiterates its position in the Final EIR/EIS that the proposed improvements that would affect the secondary marsh are consistent with policies and regulations governing the Suisun Marsh and that the project would not form a new barrier to terrestrial wildlife movement because of the close proximity of existing road and would not isolate any new areas. The Department acknowledges the differing opinion of Commission staff and looks forward to addressing these issues as part of the process of issuing a Marsh Development Permit by BCDC prior to any work beginning in the secondary marsh.

Department of the Army, San Francisco District U.S. Army Corps of Engineers

Comment #1: USACE indicates there are inaccuracies with the mitigation options presented in the Final EIR/EIS for perennial drainages and perennial marsh and that required compensatory mitigation for loss of all Waters of the U.S. will be consistent with the requirements established in the "*Compensatory Mitigation for Losses of Aquatic Resources: Final rule 33 C.F.R. pt. 325 and 332,*" published on April 10, 2008 and the USACE no net loss policy.

Response: Caltrans acknowledges that compensatory mitigation will be required for the loss of all Waters of the U.S. to ensure no net loss of habitat functions and that the loss of wetlands will be compensated for at a minimum ratio of 1:1 (one acre of mitigation for every one acre filled). The actual compensation ratios will be determined through coordination with the Regional Water Quality Control Board (RWQCB) and USACE as part of the permitting process and will be consistent with the requirements of the “final rule” (33 C.F.R. pt. 325 and 332) and the no net loss policy. In fact, Caltrans has already submitted a draft Section 404 permit application to the USACE in order to begin this process.

Comment #2: USACE indicates that Hydrology and Floodplain subsections under environmental consequences regarding American Canyon and Jameson Canyon have been omitted and that study discrepancies associated with the separate Suisun Floodplain study are concerning and that these discrepancies must be resolved prior to any Clean Water Act 404 authorization for work in the floodplain of these creeks.

Response: The Final EIR/EIS indicated on page 3.2.1-7 that the location hydraulic study found that the project alternatives would not affect the hydraulic capacity or floodplain of either American Canyon or Jameson Canyon creeks and therefore these creeks are not discussed further.

The discrepancies noted for the Suisun Floodplain have to do with differing estimates of the 50-year peak storm flows at the Raines Drain crossing of I-80. The Final EIR/EIS on page 3.2.1-10 notes the following.

As part of the project, an upstream inlet and underground stable cavities (for storm water storage) would be constructed beneath the new westbound truck scale facility. This would minimize changes in condition of floodplain of Suisun Creek and Raines Drain as a result of project operation. If possible, construction would occur during the dry season to minimize the effects to water quality and would be completed prior to operation of the proposed project. These structures would allow flooding up to the existing elevation of overtopping without increasing the flow passing under the freeway. Flows in excess of the overtopping event would be captured in a separate inlet structure upstream of the freeway. That inlet structure would mimic the manner and capacity of flows that overtop the existing freeway. These captured excess flows would be conveyed under the freeway and released on the downstream side of the freeway via a lateral structure to redistribute the flows across the existing floodplain. In addition, stable cavities would be created beneath the truck scale that would mitigate the reduction of floodplain storage from the

placement of fill material in the floodplain.

It is further noted that if it is confirmed that the 50-year peak storm flows are substantially higher the storm water conveyance improvements proposed as part of the project would require upsizing to provide additional storm conveyance under I-80 and avoid increasing the flood elevations on adjacent properties. The potentially upsized drainage facilities would be placed within the proposed project right-of-way.

The Preferred Alternative C-1 which is the subject of this ROD will not result in changes to the floodplain of Raines Drain and therefore does not change the existing hydraulic capacity or conditions in this area (see Final EIR/EIS, page 3.2.1-11). As discussed in the Final EIR/EIS, the selection of Alternative C-1 as the preferred alternative is based on the selection of Alternative C as the long term vision for improvements to the I-80/I-680/SR 12 interchange complex. As such prior to the issuance of any future Record of Decision for improvements beyond Alternative C-1, the discrepancy over the 50-year peak storm flows at the Raines Drain crossing of I-80 will need to be addressed. If upsizing of storm water improvements are required, their potential impact on resources will be evaluated as part of supplemental environmental review under NEPA and CEQA. The results of that analysis and any additional mitigation requirements would be included in any subsequent ROD issued for the project.

Comment #3: USACE believes the cumulative analysis in the Final EIR/EIS continues to be too brief and specifically requests the addition of a table that lists the expected impacts to Waters of the U.S. associated with each project.

Response: The cumulative analysis for the proposed project takes into consideration the other ongoing projects in the same geographic area as the proposed project, as well as planned land uses and transportation and circulation projections identified in city and county general plan and policy documents.

Cumulative impacts of the proposed project, in combination with other existing and reasonably foreseeable projects, on wetland resources would be reduced through compliance with requirements under Section 404 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The proposed mitigation for this project includes creation of wetlands and other waters habitats (Section 3.3.2 of the Final EIR/EIS) to replace acreage, as well as functions and values. Project wetland impacts will be fully mitigated. The project will not contribute to a cumulative wetland effect. With implementation of these mitigations, the project will be in full compliance with the state and federal no net loss policies.

United States Department of the Interior

Comment #1: The Department of the Interior (DOI) indicates that Fairfield Linear Park, which is identified in the Final EIR/EIS as a Section 4(f) resource is also protected under the Land and Water Conservation Fund (LWCF) Act (16 USC 460) which does not allow conversion of any parkland to a use other than public outdoor recreation unless approved by the Secretary of the Interior (a Section 6(f) analysis). DOI indicates that if the portion of the trail that is affected by the project is protected by LWCF then the EIR/EIS should include the require compliance under LWCFA Section 6(f).

Response: The Final EIR/EIS indicates that a portion of the Fairfield Linear Park located north of Interstate 80 would require realignment to accommodate the reconstruction of the I-80/Abernathy Road interchange under Alternative B and Alternative C. Alternative C-1 has been selected as the Preferred Alternative and is the subject of this Record of Decision. Alternative C-1 does not require any modification or realignment of the Fairfield Linear Park and therefore does not require a Section 6(f) analysis. As discussed in the Final EIR/EIS, the selection of Alternative C-1 as the preferred alternative is based the selection of Alternative C as the long term version for improvements to the I-80/I-680/SR 12 interchange complex. As such prior to the issuance of any future Record of Decision for improvements beyond Alternative C-1, a Section 6(f) analysis will be performed if those improvements affect the Fairfield Linear Park.

United State Environmental Protection Agency, Region IX

The EPA notes the substantial coordination that has occurred between the Department and EPA in the section of Alternative C-1 as the least environmentally damaging practicable alternative (LEDPA) and the conceptual mitigation plan.

Comment #1: The EPA is concerned that upsizing of storm water conveyance improvements if 50-year flood flows in Raines Drain are substantially higher than flows designed for as part of the project, could result in additional resource impacts. The EPA recommends the ROD identify the process that will be used to determine whether or not design changes will require supplemental environmental analysis.

Response: Refer to USACE comment #2 and response.

Comment #2: The EPA indicates that mitigation measures and performance standards cited in the Final EIR/EIS for impacts to seasonal and perennial drainages may be incorrect or require higher replacement ratios which will be determined through consultation with the resource agencies during permitting.

Response: This comment is similar in nature to Comment #1 from the USACE. Caltrans acknowledges that actual compensation ratios will be determined through coordination with the Regional Water Quality Control Board (RWQCB) and USACE as part of the permitting process. In fact, Caltrans has already submitted a draft Section 404 permit application to the USACE in order to begin this process.

Comment #3: EPA raises concern that the discussion of impacts to seasonal wetlands states that compensation will be provided for indirect impacts to fairy shrimp habitat, which seems inconsistent with statements in this and other sections that indirect impacts to waters will be avoided through best management practices.

Response: Indirect impacts to wetlands will be addressed. The Final EIR/EIS on page 3.3-36 includes the following regarding measures that will address both temporary and indirect effects on seasonal wetlands.

Implementation of Standard Specification and Standard Special Provision measures mentioned in Section 3.3.1.1 to prohibit construction work in environmentally sensitive areas (SS 14-1.02A), to install ESA fencing (SS 14-1.03), to monitor construction activities (SSP 14-6.05) and to conduct environmental awareness training (SSP 14-6.08), as well as Water Pollution Control Standard Specification measures pertaining to water pollution control program (SS Section 13-2), storm water pollution prevention plan (SS Section 13-3), temporary soil stabilization (SS Section 13-5), temporary sediment control (SS Section 13-6), temporary linear sediment barriers (SS Section 13-10), and the measure to construct a vegetated swale in Section 3.3.2.4 would address temporary and indirect impacts on nonjurisdictional and jurisdictional seasonal wetlands.

Comment #4: The EPA acknowledges support of the USACE's comment regarding cumulative impacts to wetlands.

Response: Refer to USACE comment #3 and response.

Comment #5: EPA acknowledged the additional qualitative analysis of MSAT emissions provided by the Department in the Final EIR/EIS and indicates appreciation to the Department for its commitment to

implement measures to reduce MSAT emissions where feasible.

Response: EPA comment is acknowledged and appreciated.

Comment #6: EPA has remaining concerns about potential noise impacts on environmental justice communities and requests that Caltrans adopt all mitigation that are deemed feasible to address this impact.

Response: The Preferred Alternative C-1 and subject of this ROD would result in permanent noise impacts in only one area – Area E as identified in the Final EIR/EIS. Area E is located on the east side of I-680 and is not part of an Environmental Justice community. The Environmental Justice communities identified in the project area are located along SR 12E and therefore would not experience any permanent noise impact from Alternative C-1.